

IT IS SO ORDERED.

Dated: 10:04 AM February 23 2011



BK1012437
CLF

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
AT AKRON

IN RE:

David W. Gidorkis

Debtor

Case No. 10-53034

Chapter 13
Judge Shea-Stonum

**ORDER GRANTING MOTION OF
U.S. BANK, N.A. BY AND THROUGH
U.S. BANK HOME MORTGAGE ITS
SERVICER FOR RELIEF FROM
STAY**

**ADDRESS OF REAL PROPERTY:
541 DAYTON STREET, AKRON, OH
44310**

This matter came before the Court on the Motion for Relief from Stay (the "Motion") filed by U.S. Bank, N.A. by and through U.S. Bank Home Mortgage its servicer ("Movant"). (Docket 26). Movant has alleged that good cause for granting the Motion exists, and that Debtor(s), counsel for the Debtor(s), the Chapter 13 Trustee, and all other necessary parties were served with the Motion, and with

notice of the hearing date on the Motion. No party filed a response or otherwise appeared in opposition to the Motion, or all responses have been withdrawn. For these reasons, it is appropriate to grant the relief requested.

IT IS, THEREFORE, ORDERED that the Motion is granted. The automatic stay imposed by § 362 of the Bankruptcy Code is terminated with respect to the Movant, its successors, and assigns.

IT IS FURTHER ORDERED that the Chapter 13 Trustee shall discontinue all payments to Movant on its claim under the Chapter 13 Plan filed by the Debtor(s). Movant is directed to file a report of sale promptly following liquidation of the property located at 541 Dayton Street, Akron, OH 44310 (the "Collateral") if any excess proceeds are received. Should Movant seek to file any unsecured deficiency claim, Movant shall do so no later than 90 days after this Order is entered. If the collateral has not been liquidated, the deficiency claim is to be estimated.

###

SUBMITTED BY:

/s/ Edward J Boll
Edward J Boll, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Bar Registration No. 0072982
Romi T. Fox, Attorney
Bar Registration No. 0037174
Attorneys for Movant
PO Box 5480
Cincinnati, OH 45201-5480
(513) 241-3100 ext. 3202
(513) 354-6464 fax
nohbk@lsrlaw.com

Copies to:

Edward J Boll, Esq. - Attorney for Movant
PO Box 5480
Cincinnati, OH 45201-5480
nohbk@lsrlaw.com
VIA ELECTRONIC SERVICE

Debra E Booher, Esq. - Attorney for Debtor
One Cascade Plaza
First Floor
Akron, OH 44308
charlotte@bankruptcyinfo.com
VIA ELECTRONIC SERVICE

Capital One - Creditor
Bankruptcy Department
PO Box 5155
Norcross, GA 30091
ORDINARY U.S. MAIL, POSTAGE PRE-PAID

David W. Gidorkis - Debtor
4356 Ellsworth Rd.
Stow, OH 44224
ORDINARY U.S. MAIL, POSTAGE PRE-PAID

Office of the U.S. Trustee
Howard Metzenbaum, U.S. Courthouse
201 Superior Avenue
Cleveland, OH 44114
(Registered address)@usdoj.gov
VIA ELECTRONIC SERVICE

Keith Rucinski - Trustee
One Cascade Plaza
Suite 2020
Akron, OH 44308-1318
efilings@ch13akron.com
VIA ELECTRONIC SERVICE